

FILED
Clerk
District Court

JUL 31 2008

For The Northern Mariana Islands
By _____
(Deputy Clerk)

CARLSMITH BALL LLP
JOHN D. OSBORN
SEAN E. FRINK
Carlsmith Building, Capitol Hill
P.O. Box 5241
Saipan, MP 96950-5241
Tel No. 670.322.3455

Attorneys for Defendant and
Third-Party Plaintiff, Bank of Hawaii

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

LAW OFFICE OF

DOUGLAS F. CUSHNIE,
a sole proprietorship, and
DOUGLAS F. CUSHNIE,
individually,

Plaintiffs,

vs.

BANK OF HAWAII, and
MARY ROE and JOHN DOE,

Defendants.

CIVIL ACTION NO. 07-0020

EX PARTE MOTION UNDER LOCAL
RULE 7.1.h.3(b) TO SHORTEN TIME TO
HEAR MOTION TO EXTEND THE TIME
TO DISCLOSE EXPERT WITNESSES;
CERTIFICATE PURSUANT TO LOCAL
RULE 7.1.h.3(b)

Date: _____
Time: _____
Judge: _____

BANK OF HAWAII,

Third-Party Plaintiff,

vs.

LUCY M. DL GUERRERO,

Third-Party Defendant.

I represent Defendant and Third Party Plaintiff Bank of Hawaii and hereby move the
Court ex parte for an order shortening time to hear its Motion to Extend the Time to Disclose

1 Expert Witnesses.

2 In support of said motion, there is attached hereto the Declaration of John D. Osborn as
3 required by F.R.C.P. 6(c) and Local Rule 7.1.h.3(b) stating why it is necessary to shorten time
4 and stating efforts made to give notice.

5 Wherefore Movant respectfully moves the Court ex parte for an Order Shortening Time
6 to hear its Motion to Extend the Time to Disclose Expert Witnesses.

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8 CARLSMITH BALL LLP

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10 DATED: Saipan, MP, July 31, 2008.

/s/ John D. Osborn
11 JOHN D. OSBORN
12 SEAN E. FRINK
13 Attorneys for Defendant and
14 Third Party Plaintiff, Bank of Hawaii
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CIVIL ACTION NO. 07-0020

**CERTIFICATE PURSUANT TO LOCAL RULE
7.1.h.3(b)**

BANK OF HAWAII,

Third-Party Plaintiff,

vs.

LUCY M. DL GUERRERO,

Third-Party Defendant.

1 I, John D. Osborn, declare:

2
3 1. I am a partner in the Saipan office of Carlsmith Ball LLP, counsel of record for
4 Defendant and Third Party Plaintiff Bank of Hawaii ("Bank"). I have personal knowledge of the
5 matters stated herein and would be competent to testify to same if called upon to do so.

6 2. The contact information of the parties are as follows:

7 Douglas F. Cushnie
8 Law Office of Douglas F. Cushnie
9 P.O. Box 500949
10 Saipan, MP 96950
11 Phone: 234-6830
12 Fax: 234-9723

13 John D. Osborn
14 Carlsmith Ball LLP
15 Carlsmith Building, Capitol Hill
16 P.O. Box 5241
17 Saipan, MP 96950-5241
18 Phone: 322-3455
19 Fax: 322-3368

20 Lucy M. DL Guerrero
21 13610 N. 51st Ave.
22 Apt. 137
23 Glendale, Arizona 85304

24 3. Pursuant to the Court's Case Management Scheduling Order filed March 21, 2008, the
25 Defendant and Third Party Plaintiff's expert disclosure is to be made on August 1, 2008.

26 4. Bank is currently awaiting receipt of responses to discovery requests which have been
27 submitted to Plaintiff, by agreement of the parties those responses are due on August 13, 2008.

28 5. Until the discovery responses are received from Plaintiff and the depositions of Mr.
Cushnie and Ms. DL Guerrero have been completed the anticipated expert witness(es) of Bank
will be unable to prepare written report(s) in conformance with F.R.C.P. 26(a)(2).

6. Counsel for Bank has been in e-mail communication with Mr. Cushnie to request that a
stipulation to extend the date for disclosure of expert witnesses for 45-60 day be entered into.
Mr. Cushnie is unwilling to enter into such a stipulation but does not object to an extension of
time for expert disclosure into the week of August 11, 2008 so that the Motion to Extend Time to

1 Disclose Expert Witness may be heard. Mr. Cushnie has advised he has no objection to the
2 Motion to Extend Time to Disclose Expert Witness being heard on shortened time.

3 7. As expert disclosure is scheduled to be made on August 1, 2008 the Motion to Extend
4 cannot be heard pursuant to Local Rule 7.1(c) time lines.

5 8. Opposing counsel has been served with a copy of the Motion to Extend Time to Disclose
6 Expert Witness and a copy of this Ex Parte Motion to Shorten Time via e-mail and fax prior to
7 those pleadings being filed.

8 This Certificate is made pursuant to Local Rule 7.1.h.3(b) this 30th day of July, 2008 in
9 Hot Springs, Arkansas.

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11 /s/ John D. Osborn
12 JOHN D. OSBORN
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